

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

TERRY L. HOWELL,)	
)	
Plaintiff,)	
)	
vs.)	NO. CIV-12-74-D
)	
CAROLYN W. COLVIN, Acting)	
Commissioner of the Social Security)	
Administration, ¹)	
)	
Defendant.		

ORDER

Plaintiff brought this action pursuant to 42 U.S.C. §405(g) for review of the decision of the Commissioner of the Social Security Administration denying Plaintiff's application for disability benefits and supplemental security income payments. The matter was referred to United States Magistrate Judge Shon T. Erwin for initial proceedings in accordance with 28 U.S.C. §636 (b)(1)(B) and (C). On February 28, 2013, the Magistrate Judge filed a Report and Recommendation [Doc. No. 28] in which he recommended that the decision of the Commissioner be reversed and the matter remanded for further proceedings.

In the Report and Recommendation, the Magistrate Judge advised the parties of their right to file objections to the same, and he scheduled a March 14, 2013 deadline for filing such objections. He also cautioned the parties that a failure to object would constitute a waiver of the right to appeal the findings and conclusions in the Report and Recommendation.

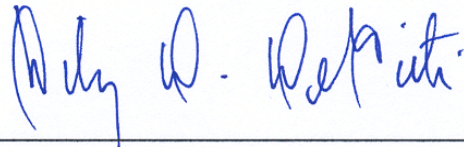
The deadline for filing objections has expired, and neither party has filed objections or

¹Carolyn W. Colvin became Acting Commissioner of the Social Security Administration on February 14, 2013. Therefore, pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure, Acting Commissioner Colvin is substituted for Commissioner Michael J. Astrue as the defendant in this case.

sought an extension of time in which to do so. Accordingly, the Report and Recommendation is adopted as though fully set forth herein.

In accordance with the foregoing, the decision of the Commissioner denying Plaintiff's application for benefits is REVERSED, and this matter is REMANDED to the Commissioner for further proceedings as set forth in the Report and Recommendation. Judgment shall enter accordingly.

IT IS SO ORDERED this 28th day of March, 2013.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE